

**MINUTES  
of the  
THIRD MEETING  
of the  
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**October 12 - 14, 2004  
State Capitol, Room 322  
Santa Fe, New Mexico**

**PRESENT**

Sen. Dede Feldman, chair  
Rep. J. Paul Taylor, vice chair  
Rep. Jim Trujillo

**Advisory Members**

Rep. Gail C. Beam  
Sen. Sue Wilson Beffort  
Rep. Ray Begaye (10/12, 10/13)  
Rep. William "Ed" Boykin  
Rep. John A. Heaton (10/13)  
Sen. Timothy Z. Jennings (10/12)  
Sen. Linda M. Lopez  
Rep. Antonio Lujan  
Rep. James Roger Madalena  
Rep. Danice Picraux  
Sen. Bernadette M. Sanchez  
Rep. Edward C. Sandoval  
Sen. Leonard Tsosie  
Rep. Gloria C. Vaughn (10/13)

**ABSENT**

Sen. Rod Adair  
Sen. Steve Komadina  
Rep. Terry T. Marquardt  
Rep. Rory J. Ogle  
Sen. Mary Kay Papen  
  
Rep. Rick Miera  
Rep. Al Park

(Attendance dates are noted for those not present for the entire meeting.)

**Staff**

Phil Lynch  
Ramona Schmidt  
Karen Wells

**Tuesday, October 12, 2004**

The meeting was called to order by the chair at 9:25 a.m. Members of the committee and staff introduced themselves. Senator Feldman notified committee members that the purpose of this meeting is to hear reports of memorials that are required to be reported to this committee, as well as to hear legislative requests from advocacy groups. Phil Lynch oriented the committee to the contents of the packets.

Michael Fierro, director, office of policy and planning, department of health, requested permission to introduce experts on each memorial as they are presented. He updated the committee on HJM 61, disposal of methamphetamine labs, SJM 9, school nurse staffing, and HJM 60, examining underutilized properties for behavioral health facilities. They are in progress. The final reports are not due until October 2005.

Jennifer Thorne-Lehman, deputy director, long-term care services, and Andrew Gomm, program manager, family, infant and toddler program (FIT), presented the report on HJM 38 (Cordova), a study of ways to require insurers to cover early intervention services for infants and toddlers with developmental delays or disabilities. The task force shied away from outright mandates but identified four options for the legislature to consider to improve insurance coverage and access to services for this vulnerable population. Pros and cons of each option were presented.

Representative Begaye expressed concern that no member of the Native American population was included in the task force. It was noted that the options presented could be costly to the beneficiaries and that the cost of health insurance in New Mexico is high compared to other states. Sentiment was expressed that the services are essential and must be covered in some way. Senator Feldman asked if the FIT program will remain in the department of health or be moved to the children, youth and families department. The decision is being reviewed but has not been made.

Anne Pascarelli Barraza, planning manager, and Marcie Davis, consultant, presented the report of HJM 48, sponsored by Representative Boykin, to develop methods for the continuous care and safety of assistance animals in certain emergency situations. She noted that this study is a logical extension of work that is already being done on emergency preparedness. An advisory work group met, and after reviewing current state and federal legislation on the subject, identified legislative recommendations, including amendments to the existing statute to change certain definitions, to require the department of health to engage in more effective dissemination of information and to include service animals in disaster drills.

Doris Fields and Susan Gray of the office of disability and health, Thomas Dillon, executive director of the commission for deaf and hard-of-hearing persons, and Amanda Perea of the health policy commission presented the report of SJM 13, sponsored by Senator Sanchez. This memorial requested a study of cultural and linguistic issues in health care in New Mexico. Their findings indicate that current national standards of cultural competence are only minimally met, and that education is needed. Both long-term and short-term recommendations were presented, covering cultural and linguistic barriers to health care, minority involvement in clinical trials and curricula for health professionals. Mr. Dillon stated that serious barriers exist to communication access for the deaf and hard-of-hearing in New Mexico.

Committee members expressed concern that information about minority participation in clinical drug trials is not adequately tracked. A request was made that sponsoring legislators be apprised of ongoing work on memorials while it is underway, and perhaps even be included as members

of any task forces that are set up. The committee was interested in the penetration of training in cultural competence in schools educating health professionals in New Mexico. Clarification was requested regarding the recommendations and specific requests of the legislature. Senator Tsosie remarked that studies on this subject do not adequately address the linguistic and geographic barriers to care that exist for Native Americans.

A report on SJM 26, sponsored by Senator Beffort, was presented by Teresa Henky of the department of health and David Roddy, director of the New Mexico primary care association, concerning after hours behavioral health services. The purpose of the memorial is to assess the feasibility of utilizing primary care clinics after hours to provide behavioral health services. A feasibility study was performed that indicated that primary care providers as well as behavioral health and substance abuse providers are willing to pursue this possibility. They point out that the lack of a facility does not represent the main problem; recruiting providers to work after hours and reimbursement issues are also significant problems. Mr. Roddy believes funding is available to at least start providing after-hours behavioral health services at primary care clinics on a pilot project basis.

Questions were asked about the potential for implementation, the availability of federal funding and the manner in which these efforts will be coordinated with other behavioral health changes occurring in the state.

Thanks was expressed by committee members for all the hard work of all the people who presented today to prepare these reports.

Ruth Hoffman, executive director of the Lutheran office of governmental ministry (LOGM), presented the group's 2005 legislative priorities. Most of the issues have to do with economic justice and poverty; LOGM has received requests in the areas of affordable housing, hunger, tax policy, family-sustaining income, welfare reform and health care.

Questions and comments from the committee addressed the following:

- the number of children and families affected by the shortfall in TANF funding;
- predicted challenges around resource allocation and limited availability of funds;
- the effectiveness of collection efforts from fathers of TANF children;
- the increase in the number of people using food stamps; and
- the number of eligibility workers working for the human services department, and the possibility of eliminating the requirement for a college degree.

Public comment was offered by Norman Siegle, executive director of Abruzzos, regarding HJM 38. He noted that serving children in his program is increasingly difficult, and he supports some of the private options presented in the memorial report. Karen Lucero also commented as a provider and a member of the interagency coordinating council in support of the recommendations in the HJM 38 report. She noted these recommendations have been effective

in other states.

Agnes Maldonado and Greg Kepferle, co-chairs of the human needs coordinating council, identified four legislative priorities for the many entities they represent. Their issues are: to fully fund medicaid; to restore child care subsidy eligibility levels to 200 percent of the federal poverty level; to maintain TANF funding to ensure current eligibility and services; and to create a statewide housing trust fund. The committee had questions about affordable housing.

Kay Monaco, executive director, New Mexico voices for children, Kelly O'Donnell, research director, and Ellen Pinnes addressed the committee on issues regarding children. Dr. O'Donnell presented her findings on a research project to identify the extent to which health care in New Mexico is publicly financed. The study finds that most health care is financed by government and that over half of the benefits accrue to households that are neither low-income nor poor. Ways in which government finances health care are through direct subsidies, like medicaid, as well as federally funded clinics, government employee benefits and tax advantages. The study was funded by the McCune foundation.

The committee expressed concern about the challenges and costs of health care today and were appreciative about the findings in this study. Senator Tsosie suggested that if the medicaid budget is reduced by two percent (for example), the appropriation for state employee health benefits be reduced by a similar amount. Mr. Lynch was requested to identify for the committee the goals and progress on the health cost data study being conducted by staff under the mandate of HB 955.

Lyn Wilson, New Mexico voices for children, described a project called "4 youth" designed to reach Native American youth through school-based health care. Ms. Monaco noted that the department of health is reportedly seeking \$2 million in additional funding to continue support for school-based health centers and may seek an expansion as well.

Senator Feldman acknowledged the presence of Speaker Ben Lujan and invited him to make remarks. He thanked her but declined. Senator Tsosie invited Ms. Wilson and the chair to attend a special meeting with the state's congressional delegation regarding Native American issues to bring this project to their attention.

Ms. Pinnes provided data regarding medicaid, emphasizing the extreme need of the clients served and argued that the medicaid program provides an economic return to the state. Figures were provided about New Mexico and surrounding states, reflecting the return on medicaid investment. It is estimated that \$7.46 of economic activity is generated for each \$1.00 spent on medicaid in New Mexico. For every \$10 million in cuts to medicaid, 1,000 jobs are lost. Ms. Monaco noted that the Kaiser commission supports the conclusion that medicaid is a major economic engine in New Mexico and elsewhere in the nation.

Committee members had questions and comments as follows:

- whether health insurance premiums would be reduced by additional medicaid spending;
- the relationship between uncompensated care and cuts to medicaid; and
- the cost of fully funding medicaid up to 100 percent of the federal poverty level.

Ms. Monaco made a brief presentation about the negative impact of awarding a tax cut in 2003 and the positive, though unreliable, impact of severance tax revenues. New Mexico voices for children advocates slowing down the roll-out of the tax cut. This would give the state time to assess the impact of the tax cut that has already been implemented and determine whether it actually stimulates the economy. Additionally, she urged the committee to oppose any permanent tax cuts that may be proposed.

Peter Cubra, a lawyer for people with disabilities, presented a recommendation for a bill to provide for social security assistance for children in the custody of the children, youth and families department. It would require the CYFD to screen children in its custody for eligibility for supplemental security income (SSI), submit applications for eligible children and manage their money, if awarded. Committee members inquired as to the number of children who would qualify should this be enacted and the position of the secretary of human services regarding this proposal.

Senator Tsosie expressed concern that the hot line staff should be linguistically and culturally competent, especially for Native Americans.

Mr. Roddy provided information about the services being provided by health centers in New Mexico, that have greatly improved access to care for many people in rural parts of the state. Statistics (provided by the health resources and services administration) indicate care provided in many cases exceeds that provided in the general population. According to HRSA, patients served in health centers save medicaid millions of dollars. Statistics specific to New Mexico were also provided. Over the last four years, revenues to support the clinics has declined while the number of uninsured patients they serve has increased. Their legislative request is for \$2 million to support access, quality and cost effectiveness for the safety net clinics in the state.

Agnes Maldonado, executive director, New Mexico domestic violence coalition, requested amendments to existing law to establish a domestic violence treatment fund, to assess penalty fees to recover the costs of property damaged in domestic violence events and to permit arrests without a warrant in certain situations. She reported on trends in domestic violence in the state. Senator Tsosie expressed a problem with increasing fees and the hope that different ways of funding needs can be found.

The meeting was recessed at 5:45 p.m.

### **Wednesday, October 13, 2004**

The meeting was reconvened by the chair at 9:30 a.m. Dr. Patricio Larragoite, director of the health policy commission, Commissioner Waldo Anton and Deputy Director Karen Meader discussed with the committee the composition of the commission and their qualifications to serve in that capacity. Four members of the commission do not fully satisfy the statutory requirements for membership, in that they have a pecuniary relationship to the health industry. Dr. Larragoite is seeking a change in the statute to permit health care providers to serve on the commission. Commissioner Anton stated that the current restriction prevents people who have a current understanding of the challenges facing the health care industry in New Mexico from serving.

Committee members recalled that the desire for more consumer input and the avoidance of potential conflicts of interest were the reasons health care providers were excluded in the original legislation. There is still sentiment that the commission should have a strong consumer orientation; however, there is recognition that health care providers should be allowed to serve. Alternatives for the committee to consider are as follows:

- leave the commission as is, with commissioners unconfirmed;
- remove all restraints to membership on the commission; and
- increase the membership to nine, permitting people with pecuniary interests in health care to serve but having a majority of consumers as commissioners.

A motion was made to expand the commission to nine members, with a minority of health care experts. The motion carried. Mr. Lynch has been requested to draft a bill as such.

Roger Gillespie, Marge Houst and Judy Fiefield addressed the office of child development priorities. The quality child care initiatives held nine town hall meetings to discuss these recommendations:

- improve the quality of programs attended by all children in child care;
- improve the quality of child care for all by implementing the STAR rating system for licensed child care;
- raise the expectations for all child care settings; and
- create STARS — a quality rating system as part of child care licensure.

The child care assistance program issues raised included:

- eligibility is currently at 150 percent of the federal poverty level;
- enrollment in September was 25,012;
- about seven percent of children currently enrolled are from families with incomes between 150 percent and 200 percent of the federal poverty level;
- at this time, there is no new money for the program, which means that any time rates to providers are increased, the number of children served must be reduced; and
- CYFD is piloting an at-home infant care program in Dona Ana county; 14 families are

now enrolled in the program.

The early learning plan:

- is a major initiative of the office of child development this year;
- establishes program standards and learning outcomes for programs serving young children;
- is approved by the child development board;
- is presented to the legislative education study committee;
- is awaiting review by children's cabinet members; and
- provides a foundation for the New Mexico pre-k initiative.

Discussion occurred on the enrollment requirements for the food program.

It was questioned as to how the homes are monitored to ensure that children are not subject to physical, emotional or sexual abuse in the registered or licensed homes in which they are placed. Those registered homes are overseen by the food program and are seen four times annually and receive feedback when there is a problem. This is referred to the licensing staff and investigated by private investigators who contract with the state. Staff noted that it is difficult to monitor the underground system that exists.

The material covered in the 18-hour training course has been developed and is being piloted in Las Cruces. Each of the 18 modules is an hour long and deals with health and safety, business aspects, child development, the learning environment, staffing and training. They will be reviewed and revised as necessary upon completion of the pilot project. It was requested to add training regarding abuse and the shaken baby syndrome to the program and to have staff notify the committee if this is not done, to allow for a bill to be drafted addressing this issue.

A request was made that the compensation system be supplied to committee members. Discussion occurred on background checks for licensed or family home providers. It was noted that the background checks are different from investigation of neglect or abuse, so the same staff are not used. Discussion occurred as to safety issues.

Susan Loubet, director, New Mexico woman's agenda, discussed the pilot program of CYFD (following SB 553) taking place in southern New Mexico. The pilot program would allow the participant to stay at home to care for the infant as well as any other toddlers and preschoolers at home and receive benefits of parenting and early child education training. The program could promote parent involvement and parenting skills, as well as enhance commitment to family and social behaviors. The goals are to strengthen the bond between parent and infant, increase the parent's knowledge of early childhood principles, increase the parent's knowledge of good child care and increase the parent's ability to engage in a business.

The New Mexico child abuse and neglect citizen review board (CRB) gave the foster parenting

draft report 2004 by Francine Kern and Pat Briggs. The report used a three-part approach: surveys, focus groups and individual interviews with foster parents. Research results indicated the following areas of strength: 1) social workers are doing a good job; and 2) there is improved assistance and involvement from agencies and treatment coordinators. The areas needing improvement were: 1) more input into cases from foster parents and more respect for foster parents; and 2) a higher rate of reimbursement. Recommendations were offered to continue or improve established policy and for increases in investments to achieve systemic improvements for foster parents and social workers.

Carolyn Spence, director of the office of guardianship, Emily Stafford, adult services director, la familia, and Ellen Leitzer, co-director, senior citizens law officers, provided information regarding issues of guardianship for adults. Types of guardians in New Mexico were described, and it was noted that no oversight or monitoring exists for two of the three types of guardians. There is a substantial waiting list for indigent residents in need of guardianship. Finally, there is no knowledge of the number or identity of guardians in New Mexico. Recommendations were offered for both legislative and court action to address these problems. One recommendation is to increase the funding to eliminate waiting lists for low-income and indigent guardianships. Another is to expand the role of the current court visitor to include ongoing, annual monitoring. Committee members expressed the importance of identifying and locating all current guardians and wards. The chair requested that the panel work with the administrative office of the courts to calculate how much it would cost to identify all guardians in the state. A need for ongoing training regarding guardian responsibilities was recognized.

The New Mexico childcare association, represented by Kyle Smith, president of the association, and Linda Siegle, lobbyist, addressed the committee next. They estimate that the child care industry generates \$550 million in economic impact, including around \$15 million in gross receipts taxes for the state. It is difficult to recruit providers to care for children of the low-income parents due to the low level of state subsidy. They request legislative consideration to raise the poverty level of eligible parents. Child care providers need additional training and incentives to try to achieve the "five star" rating.

Committee members expressed concern that half-day public day care for four year olds will have a negative impact on the ability of private child care providers to stay in business and may pose additional difficulties for parents who need full-day child care. Dana Grubese, new director of the children's cabinet, testified that the cabinet has no intention of putting existing child care providers out of business. She agreed to take concerns into consideration. The committee asked whether a sliding scale helps families who are at 150 percent of the federal poverty level or if there are other solutions for public subsidies. Other questions concerned the burden of gross receipts tax payments on providers who are paid below market to care for children. Representative Trujillo would like the committee to support legislation to remove gross receipts taxes on child care providers. Ms. Siegle noted the attempt tried to get rid of taxes on the portion of reimbursement for state- sponsored children only but it has never passed. Senator Feldman asked which would be preferable: increase the reimbursement or remove the gross receipts tax?



Ms. Smith could not answer without more thought, but noted that the members of her association would want whatever would allow more children to be served.

Jean Garcia, Sandra Beltran and Fran Crews made a presentation on grandparents raising grandchildren. They are asking for an appropriation of \$100,000 to provide an intergenerational training, research and support project in Dona Ana county. The project will include a formal evaluation of the data gathered in the course of implementation of the project. Ms. Beltran, a grandmother raising her grandchildren, related her personal story of caring for her severely disabled grandchild.

Committee members explored the legislative potential to permit legal guardianship or to facilitate adoption for grandparents caring for grandchildren. Members were also interested in ways to extend medicaid coverage to these children and their grandparents, when financially eligible. Doris Husted, ARC New Mexico, stated that through EPSDT, medicaid should pick up the extra expenditures not covered through private insurance for Ms. Beltran's grandchild, and might qualify her for payment for the care of her grandson since she does not have the legal responsibility to care for him. She also noted that there is a provision for emergency approval to place a child on the DD waiver. She offered to help Ms. Beltran explore these options.

Michael Maestas, chair, Anna Martinez, public member, counseling and therapy board, and Eva Baca, counseling and therapy board administrator, regulation and licensing department, identified changes needed for licensed alcohol and drug abuse counselors (LADAC) licensure. Written material was provided regarding the changes that are needed. Changes would reduce the level of education needed to become a LADAC and identify social workers as eligible counselors.

Committee members expressed concern that this change could impair the ability of social workers to treat alcoholism or drug abuse by requiring licensure to do something they are already doing. Mr. Maestas clarified that, currently, social workers providing this kind of service are not permitted to advertise their expertise in this area without LADAC licensure. One member was concerned about reducing the educational requirements to become a LADAC when other areas of counseling require masters-level training. Senator Feldman noted that a reason for the suggestion of the board is to try to increase the number of professionals trained to treat alcohol and drug abuse. She asked the panel to coordinate its efforts with the behavioral health collaborative before proceeding with its bill.

Amy Dixon and Tom Fagan, physical therapists with desert states physical therapy network, and Joe Kupfer, lobbyist, presented next. They thanked the committee for gross receipts tax relief on managed care receipts but testified that they still need an exemption from medicare and tricare receipts, as is enjoyed by physicians and other providers.

Senator Phil Griego, Steve Garrit, executive director, and Jeremy Landau, program manager, New Mexico POZ, testified regarding the needs for HIV support. They are proposing an act to fully fund all HIV/AIDS programs in New Mexico, with an appropriation of between \$2 million

and \$4 million to cover state general fund and prevention dollars that will enable access to federal matching funds. Additionally, they would like to establish a New Mexico AIDS policy commission to address AIDS policy and planning issues in New Mexico. Senator Griego made a personal plea to the committee asking for support. He indicated that he has a commitment by the governor to sign the legislation as originally conceived by the association.

Committee members expressed their long-term support for adequate funding for HIV/AIDS services. Technical questions were asked and recommendations made about the proposed AIDS policy commission to ensure appropriate representation of persons living with AIDS on the commission. Budget discussion regarding what had occurred in the past legislative session followed.

Dr. Ron Lucchino, executive director, and Maralie Waterman, public policy director, New Mexico Alzheimer's association, described their association and services to the committee. They described the progression of Alzheimer's disease and the impact on a family. They presented four legislative requests: 1) \$100,426 to fund a rural, mobile demonstration respite program; 2) \$10,086 for crisis respite and rural voucher respite care; 3) \$39,490 for staff training in residential care facilities and other community-based facilities; and 4) \$246,446 for capital outlay to allow 23 sheriff's departments to purchase electronic monitoring equipment to implement the "project life saver" program. Questions were asked about whether request # 4 should be through capital outlay or the general fund.

Ms. Husted presented several legislative priorities for 2005. The priorities have not changed since last year, emphasizing medicaid, early intervention, reducing the waiting list, promoting self-directed services and direct care staff compensation. A handout describes all the priorities in detail. She thanked the committee for its support in the past. She invited committee members to serve as mentors for clients they serve. She described in greater detail the request to support bills advancing the delivery of self-directed services. It is a way to save program dollars while allowing clients greater opportunity to direct their own care. She urged members to encourage the human services department to submit the long-promised self-directed waiver.

Alison Kozeliski, executive director, and Debra Werner, assistant director, board of nursing, presented a final report on a project mandated in 2003 by HB 528 to conduct a pilot program for the certification of medication aides in the public schools. Twenty-nine participants were certified as medication aides. The board conducted an evaluation. The board concluded that it will support the use of medication aides in schools where there is adequate nurse supervision and recommends continuation of the program and ultimate statutory inclusion in the Nursing Practice Act. Various members of the audience who participated in the study remarked on the positive outcome of the study, asserting that it enhanced the safe administration of drugs in the school setting. The board plans to bring forth a bill to make the program permanent.

Representative Taylor moved and Representative Vaughn seconded approval of the September minutes. The motion was approved. There being no public comment, the meeting recessed at 5:00 p.m.

#### **Thursday, October 14, 2004**

The meeting was reconvened by the chair at 9:20 a.m. Senator Feldman acknowledged the recent death of Representative J. Paul Taylor's son due to a stroke.

Mr. Fierro introduced Dr. Glenn Graham and Dr. Michael Richards, UNM school of medicine, to present the findings of SJM 31 (2003), sponsored by Senator Bernadette Sanchez. The memorial resulted in creation of the New Mexico stroke task force to develop a system of prevention and treatment of stroke. They described the problem of stroke and identified current statistics in New Mexico, as well as barriers to stroke treatment and prevention. There is very little awareness among the general public of the warning signs of stroke and there is not a cohesive system of care. They presented seven legislative recommendations, totaling \$64,000 in recurring funds and \$41,000 in nonrecurring funds. The recommendations, developed in consultation with the department of health, are delineated in detail in a handout and address the identified barriers to care.

The presenters stood for questions and the following issues were raised:

- the use of telehealth to promote immediate or emergency treatment options;
- availability (or lack thereof) of scanning machines in the state;
- the need for centralized coordination within the department of health;
- questions why grant application has not been made to take advantage of available federal funds; and
- models of care in other parts of the nation, especially Texas.

Senator Tsosie expressed concern about the lack of information available in various languages and suggested the committee consider legislation to address this. Representative Taylor told the story of his son's death and expressed gratitude for this report, which he said was personally very helpful. He stated that he hoped the committee and the legislature would consider the request very seriously and find the money to fund it.

A panel of presenters, including Don Shapiro, New Mexico environmental and health coalition; Lucy Sanchez, amigos bravos; Fabian Chavez, integrated pest management, city of Santa Fe; John McFee, childhood injury prevention coordination, department of health; and Paul Robinson, southwest research and information center, presented a request for a memorial to promote the health and well-being of all New Mexicans. Panel members highlighted various aspects of the memorial, including precautionary principles to preserve the availability of clean water, protect children in schools from environmental contaminants and reduce pesticide use on public property and the potential benefits to the state of using precautionary principles on a widespread basis. They have a new web site at [www.nmenvirohealth.org](http://www.nmenvirohealth.org).

Committee members expressed frustration that the agenda is so full that members do not have enough time to ask questions. A suggestion was made to extend the length of the meeting to four days to allow enough time to adequately address the important issues of health care. Mr. Lynch

noted that the October meeting is generally full due to the obligation to hear reports of joint memorials in this month and the attempt to accommodate the requests of advocates prior to the committee's final meeting when legislative decisions must be made. At the request of the committee Mr. Lynch will ask the legislative council to approve an additional day for the November meeting. The time and attendance needed to complete committee business and the fact that at times the two-minute rule is required were noted. The chair was commended for her commitment and time spent in developing the agenda. The committee was thanked by department of health staff for the amount of time and dedication spent on health issues.

Art Tarro stated that, while he represents the muscular dystrophy adult support group, he does not represent muscular dystrophy directly. Debbie Tarro addressed disabled parking concerns growing from SB 531 of several years ago and stated that some items need to be revised to improve accessible handicapped parking, including lack of enforcement, inconsistent criteria for issuing placards and the term of placard issuance. The most important tool is education. Suggestions for enforcement were discussed and included volunteers. Jim Parker stated that the bill proposed to be amended had been passed under Governor Johnson's administration. Representative Taylor suggested that Mr. Parker contact Mr. Lynch regarding the amendments to the bill. Robbie Springer, New Mexico muscular dystrophy representative, reviewed the number of people affected by muscular dystrophy in New Mexico who require accessible handicapped parking.

Beth Enson and Susan Jenkins addressed the licensed midwives insurance crisis. Senator Feldman stated that there are specific questions and concerns. Senator Komadina is working on a bill draft to address some of the issues. A consumer council for New Mexico will be established. Roberta Moore, program health manager from the department of health, which licenses midwives and certified nurse midwives, presented information on licensed midwifery and the insurance crisis. Ms. Jenkins, an attorney, stated that she is working with Senator Komadina to address legislative issues. Pennsylvania legislation was presented as possible model legislation. A discussion of insurance rates followed.

Esther Duvall, PhD, family and consumer sciences department, New Mexico state university, spoke on parenting education. She reviewed the intensive parenting classes involving both parents and children using an evidence-based curriculum. The department requests \$2 million of funding, which would allow it to increase the families and counties served. Discussion occurred as to the parenting programs offered through the incarceration systems. The use of TANF funds for these programs may be affected by decreasing dollars and the restriction that only TANF-qualified individuals may be enrolled in the program. Dr. Duvall requested 10 individuals for teams to cover the state for the program. It was asked if NMSU funds any part of the program. NMSU provides for office space and utilities as well as Dr. Duvall's salary, she said

Jim Jackson, executive director, protection and advocacy, presented several legislative priorities. He expects to be working together with other disabilities rights organizations to coordinate legislative efforts in the upcoming session. He requested continued committee support for

community-based services, specifically an endorsement of \$1 million to address the waiting list for the DD waiver and \$3 million to serve an additional 600 people on the D&E waiver. He is also hoping for continued support for the establishment of a brain injury waiver and for other issues addressed in other presentations, including child safety helmets, regulation of off-road all-terrain vehicles, guardianship issues, full funding for medicaid and an expansion of medicaid eligibility up to 100 percent, though no legislation is anticipated in either area of the federal poverty level for adults. Protection and advocacy is opposed to funding of the state coverage initiative unless medicaid is fully funded. It will continue to monitor the implementation of the behavioral health collaborative and remain committed to maintaining the personal care option.

There being no public comment, Rachael O'Connor, DWI coordinator, office of the governor, reported to the committee on initiatives her office is pursuing. She identified important DWI themes as follows: 1) most DWI events are committed by first-time offenders; 2) 70 percent of deaths are rural; 3) 50 percent of people who are arrested for DWI are coming out of bars and restaurants; and 4) previous efforts have had a positive effect, in that New Mexico's DWI ranking has moved from first in the nation to sixth. Her office plans to emphasize the importance of law enforcement, the mobile strike unit and a new CYFD grant for prevention of underage drinking. A large public awareness campaign is nearly ready to be unveiled. She touched briefly on rehab and treatment issues and improved handling of DWI court cases. The office is looking at the creation of an 800 number to report sales of alcohol to minors or the witnessing of apparent drunk driving.

Committee members expressed concern that DWI and alcoholism treatment is not being emphasized and that the amount of available treatment is insufficient. Questions were asked about the percent of arrests of people who have been in bars and restaurants and the reason why current laws are not more effective in deterring excessive drinking. Committee members sought assurance that restaurant and bar owners will be held accountable to the law. Representative Madalena asked what initiatives are being pursued to address DWI among the Native American population.

John Hendry, tourism department, Mr. McFee, department of health, and Dr. Benjamin Hoffman, pediatrician, UNM, presented information about the dangers of off-highway vehicles and made a request for support of a bill to establish requirements for all minors operating such off-road vehicles. The bill does not (and cannot) regulate the use of these vehicles on private or federal land; however, it does require a license to use them and the license requires safety education. The tourism department intends to use the money derived from licensing fees to develop off-road parks to encourage driving in controlled environments.

Brenda Yeager and Lisa Kelloff, AAA, presented a legislative request to mandate the use of booster seats for children who are too young for adult seat belts and too old for child safety seats. The legislation will specify age and size of the child and is patterned after laws in other states. It provides for an exception to the requirement based on a visual assessment that an adult seat belt is adequate for the child in question. Committee members asked about the cost of booster seats.

Mr. McFee presented information about desired legislation to require helmets for nonmotorized transport such as bicycles, skateboards and scooters, by all minors. With even 50 percent compliance, it is estimated that it would save the state \$40 million per year.

Elizabeth Peterson and Miryam Miller, with the brain injury association, asked the committee for support of a bill to establish a brain injury waiver as was introduced last year. The bill passed with overwhelming support but died due to a pocket veto. The bill carries a \$2 million appropriation to be matched by the federal government with \$6 million. It will be used to develop a system of community-based services for people with brain injuries. Senator Feldman noted that the committee has been overwhelmingly supportive of this concept and that it is anticipated it will once again want to support it.

Ms. Hoffman, Mary Oleske and Clark DeSchweinitz presented the findings of the task force to end hunger. The task force was convened in response to HJM 84, sponsored by Speaker Lujan. Governor Richardson took the first step by calling for the 2003 hunger summit. The task force met over the course of a year on the issues of hunger and food insecurity. The presenters want the task force to have the opportunity to continue its work and to work toward increased coordination between all state agencies involved in food security. They developed six goals with 12 objectives and 49 recommendations, all designed to reduce food insecurity in New Mexico and to ensure continued coordination and cooperation among stakeholders. The task force requests support for funding of the WIC farmers market, which this committee has sponsored in the past. A full-time-equivalent employee within HSD to be responsible for oversight of these initiatives is another crucial request, but there is no specific funding request before the committee at this time.

Committee members requested a consolidated view of the ultimate goals for New Mexico. The information provided is valuable, but it is difficult to discern an overall vision. Questions were asked about methods for distribution of food. There are many issues about the difficulties of equitable distribution of food among the most needy. Senator Feldman asked the task force to coordinate its efforts with the department of health's efforts on obesity.

Raul Burciaga updated the committee on the research being done by legislative council service staff to complete the study required by HB 955. He emphasized that the hope is that the study will provide baseline data that will assist legislators in making more informed health policy decisions. He delineated the various approaches being taken to identify all the public and private costs of providing health care in New Mexico. He described the work being done by law students to research and analyze health reform efforts that have taken place, both in the state and nationally, over the last 10 years. He noted that the work of the study is enormously challenging and complex and should be viewed by the committee as a first step. Staff is trying to break down the data into a simple and accessible report that will be useful to the members.

Senator Feldman asked what kind of policy options would be included in the final report. She has been asked to present the legislative agenda for health reform of the legislative health and

human services committee to the executive in a meeting shortly after the November meeting. Mr. Burciaga responded that the NCSL had created a report about policy options being implemented by other states and that those would be included. He gave some specific examples of options that would likely be adaptable to New Mexico. Additionally, to the extent possible, options that come out of the HRSA grant will be included.

Mr. Lynch announced that members should add November 16, 2004 to their calendars because it will probably be added to the November meeting. Representative Beam noted that an \$825,000 request for a scientific neurobehavioral research study should not be supported by the committee. She believes the study should be submitted to a scientific board for more careful review and to determine more appropriate funding sources. Senator Feldman suggested that it be passed on to the health policy commission and the children, youth and families department for their review as well.

The meeting adjourned at 5:07 p.m.